

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:03-CV-126-W

PETER D. FERRIGAN and WORLD)
WIDE CONSULTING SERVICES, INC.,)

Plaintiffs,)

vs.)

AUTOMAX LLC, CRAIG LOCKERD,)
GLEN CRAWFORD, ERNIE)
KASPROWICZ, MARK RICHART, and)
GENE ROMO,)

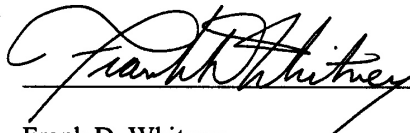
Defendants.)

ORDER

THIS MATTER comes before the Court upon receipt of Defendants’ “Notice of Intent to File Reply to Plaintiffs’ Opposition to Defendants’ Objections to Magistrate Judge’s January 9, 2007 Memorandum and Order” (Doc. No. 121). Defendants mis-cite Local Civil Rule 7.1(B) in support of an erroneous assumption that a reply to a response to objections to a magistrate judge’s order on a non-dispositive matter may be filed with the Court. Local Civil Rule 7.1(B), however, governs the briefing of MOTIONS. By contrast, briefing of issues arising out of OBJECTIONS to a magistrate judge’s decision is governed by the Federal Rules of Civil Procedure – specifically Rule 72 – which preempt any arguably analogous local rules applicable to the briefing of motions. Rule 72(a) provides that objections must be filed within ten (10) days after service of a copy of the magistrate judge’s order, and Rule 72(b) provides that a response (if any) must be filed within ten (10) days after service of a copy of the objections. No provision is made in Rule 72 for reply briefs. Accordingly, any reply brief filed by Defendants will be disregarded by the Court.

IT IS SO ORDERED.

Signed: February 22, 2007


Frank D. Whitney
United States District Judge

